

UNITED STATES DISTRICT COURT

for the Southern District of New York

JUDGE SULLIVAN

Shirley Shepard and Andrea Shepard,

Plaintiff)

v.)

The Associated Press, ESPN, Inc., Kurtis
Productions, Ltd, Pictopia.com, Inc., Philly
Online, Inc. and Photobucket.Com, Inc.,
Defendants.)

Civil Action No.:

10 CIV 7551

Summons in a Civil Action

TO: Photobucket, Inc.
1099 18th Street
Denver CO 80202

A lawsuit has been filed against you.

Within 21 days after service of this summons on you, (not counting the day you received it), or 60 days if you are the United States or a United States agency or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a) (2) or (3) - you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Law Office of Charles C. DeStefano
1082 Victory Boulevard
Staten Island New York 10301

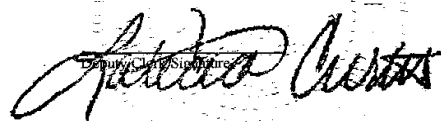
If you fail to respond, judgment by fault will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

RUBY J. KRAJICK

Name of clerk of court

Date:

OCT 04 2010



AFFIDAVIT OF SERVICE

SOUTHERN DISTRICT OF NEW YORK

UNITED STATES DISTRICT COURT

DOCUMENTS SERVED WITH INDEX # 10CIV7551 AND FILED ON OCTOBER 4, 2010

ATTORNEY(S): CHARLES C. DESTEFANO, Charles Destefano

SHIRLEY SHEPARD AND ANDREA SHEPARD

Plaintiff

vs

THE ASSOCIATED PRESS, ET AL

Defendant

STATE OF COLORADO COUNTY OF JEFFERSON, SS.:

Melissa Brookstone

being duly sworn deposes and says:

Deponent is not a party herein and is over 18 years of age. On 10-27-10 at 4:30 P. M.,
 at 1099 18TH STREET, DENVER CO, Suite 770 deponent served the within

SUMMONS IN A CIVIL ACTION AND COMPLAINT AND CIVIL COVER SHEET

on: PHOTOBUCKET, INC. Defendant therein named.

INDIVIDUAL

A ☐

By personally delivering to and leaving with said

a true copy thereof, and that deponent knew the person so served to be the person mentioned and described in said

SUMMONS IN A CIVIL ACTION AND COMPLAINT AND CIVIL COVER SHEET

CORPORATION

B ☒

By delivering to and leaving with ALICIA EVERSOLE at PHOTOBUCKET, INC.
 and that deponent knew the person so served to be the OFFICE MANAGER of the corporation.

Service was made in the following manner after your deponent was unable, with due diligence, to serve the defendant in person:

SUITABLE
AGE PERSONC ☐

By delivering a true copy thereof to and leaving with _____ a person of suitable age and discretion
 at _____ the said premises being the defendants/respondents
 [] dwelling place (usual place of abode) [] actual place of business within the State of COLORADO

AFFIXING
TO DOORD ☐

By affixing a true copy thereof to the door of said premises, the same being the defendant's [] dwelling house (usual place of
 abode) [] actual place of business within the State of COLORADO

MAILING TO
RESIDENCE

(Use with C or D)

E1 ☐

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class postpaid envelope properly addressed
 to defendant at defendant's residence at _____
 and deposited said envelope in an official depository under the exclusive care and custody of the United States Post Office within
 the State of _____ on _____

MAILING TO
BUSINESS

(Use with C or D)

E2 ☐

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class postpaid envelope properly addressed
 to defendant at defendant's actual place of business at _____ in an official depository
 under the exclusive care and custody of the United States Post Office within the State of _____. The envelope bore
 the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the
 communication was from an attorney or concerned an action against the defendant and mailed on _____

PREVIOUS
ATTEMPTS

(Use with D)

F ☐

Deponent had previously attempted to serve the above named defendant/ respondent

Day _____	Date _____	Time _____
Day _____	Date _____	Time _____
Day _____	Date _____	Time _____

Deponent spoke with _____ who stated to deponent that the said defendant(s)
 lived at the aforementioned address, but did not know defendant's place of employment.

G ☐

DEPONENT STATES THAT THE INDEX # AND FILING DATE WERE CLEARLY VISIBLE ON THE SUMMONS.

VOID WITHOUT
DESCRIPTION

(Use with A, B, C & D)

A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows:

Approximate age 26 Approximate weight 125 Approximate height 5'8 Sex F
 Color of skin W Color of hair RED Other _____

MILITARY
SERVICE☐

Deponent asked the person spoken to whether the defendant/respondent was presently in the military service of the United States
 Government or on active duty in the military service in the State of New York and was informed he/she was not. Your deponent further
 says that deponent knew the person so served to be the person mentioned and described in said legal papers as defendant/respondent
 therein. Your deponent is over the age of 18 years and is not a party to this action.

NON-
SERVICEH ☐

After due search, careful inquiry and diligent attempts, I have been unable to effect process upon the person/entity being served due
 to the following: [] Not known at address [] Address does not exist [] Evading [] Moved left no forwarding [] Other _____

WIT. FEES

☐

\$ the authorizing traveling expenses and one day's witness fee was paid (tendered) to the recipient.

Sworn to before me on this 30th day of OCTOBER 2010Jennifer S Brookstone

State of Colorado
 Notary Public
 Jennifer S. Brookstone

Attny's File No.

Invoice/Work Order # SP1012258

CORPORATE SERVICE BUREAU INC., 283 WASHINGTON AVENUE, ALBANY, NEW YORK 12206
 My Commission Expires 11/27/2014

Certificate of Conformity of Acknowledgment to Law of Sister State

State: COLORADO

County: JEFFERSON

I, Melissa Brookstone, a person deemed qualified by the UNITED STATES DISTRICT
Court of the State of NEW YORK, do hereby certify that the acknowledgment
of proof upon the annexed document was taken in the manner prescribed by the laws of the State of
NEW YORK and conforms to the laws thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, this date of

10-30-10

Melissa Brookstone

Jennifer S Brookstone

[Notary Seal]

